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Issued August 26, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

INSECTICIDE DECISION NO. 1.

INSECT POWDER.

Many requests have been received from manufacturers and dealers for a decision giving the position of the department regarding the use of "insect flower stems" in preparations designated "Insect powder." A decision upon this point must necessarily depend in great measure upon the meaning of the term "insect powder."

There are a number of powdered substances on the market which are widely used as insecticides. As examples there may be mentioned powdered hellebore, powdered tobacco, and the powdered flowers of certain species of chrysanthemum. At first thought it would seem that the term "insect powder" might properly be applied to all of these as well as to any other powder which possesses insecticidal properties. A study of the subject, however, has convinced the board that such a broad and indefinite application of the term is not justifiable because common usage and trade practice have resulted in a limitation of the term so that, standing alone, it now signifies one definite thing, namely, the powdered flower heads of certain species of chrysanthemum. The reasons which have led us to this conclusion are briefly as follows: The popular and scientific works of reference are in substantial agreement in declaring that "insect powder" commonly signifies the powdered flower heads of certain species of chrysanthemum. Inquiries made by the board have developed the fact that among manufacturers and dealers generally the term "insect powder" is held to signify the powdered flowers of certain species of chrysanthemum (pyrethrum). Furthermore, the board has evidence from expert scientists supporting this position completely.

The board holds that the term "insect powder" is used in both a generic and a specific sense, the former applying in cases where no attempt is made to designate a particular article. A similar condition exists in the use of the word "flour." There may be rye flour and rice flour, but the word "flour," standing alone and used to designate a specific article, means "wheat flour." Similarly, there may be hellebore insect powder and tobacco insect powder, but the term "insect powder" used without qualification signifies a definite article, as follows:

The term "insect powder," when used without qualification, means an insecticide made from the powdered flower heads of the following species of chrysanthemum:

1. *Chrysanthemum (pyrethrum) cinerariaefolium* (Trev.) Bocc.
2. *Chrysanthemum (pyrethrum) roseum* Web. & Mohr.
3. *Chrysanthemum marshallii* Aschers. (synonym: *pyrethrum carneum* M. B.)

It naturally follows, from this interpretation, that the term "insect powder," unqualified, can not properly be applied to an article which consists in whole or in part of insect flower stems. The use of powdered stems under such conditions would constitute an adulteration under the law. (Sec. 7: "That for the purpose of this act an article shall be deemed to be adulterated * * *. In the case of insecticides or fungicides, other than Paris green and lead arsenate: First, if its strength or purity fall below the professed standard or quality under which it is sold; second, if any substance has been substituted wholly or in part for the article.")

In designating a mixture of powdered flowers and stems the term "insect powder" may be used, provided this is immediately qualified by word or phrase so as to indicate clearly the nature of the article. The qualifying word or phrase should appear in type sufficiently clear and in position sufficiently prominent to attract the immediate attention of the purchaser. In a case of this kind, where the constituent substances are named, the predominating substance should be named first in order.

The principles laid down above governing the use of the term "insect powder," when applied to substances consisting in whole or in part of powdered stems, are to be applied in like manner to all powdered substances intended to be used as insecticides.

The department has been requested to decide whether powdered insect flower stems will be regarded as "inert ingredients" under the terms of the Insecticide Act. Investigations to determine the precise value of these powdered stems are now under way. From the information at hand at the present time it appears that powdered stems have a certain insecticidal value though distinctly less than the powdered flower heads. In view of this fact the declaration of pow-

dered stems as inert ingredients will not be required unless further investigation shows this position to be erroneous, in which event suitable notice will be given to the trade.

The terms "Pyrethrum" and "Pyrethrum powder" are, when applied to insecticides, synonymous with "Insect powder."

M. DORSET,
M. B. WAITE,
A. L. QUAINANCE,
J. K. HAYWOOD,

Insecticide and Fungicide Board.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *July 15, 1911.*



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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

INSECTICIDE DECISION NO. 2.

SCOPE AND PURPOSE OF INSECTICIDE DECISIONS.

From the tenor of inquiries received in this department, it appears that many persons suppose that the answers to inquiries addressed to this department, either in letters or published decisions, have the force and effect of the "Rules and regulations for carrying out the provisions of the insecticide act of 1910."

It seems highly desirable that an erroneous opinion of this kind should be corrected. The opinions or decisions of this department do not add anything to the rules and regulations, nor take anything away from them. They, therefore, are not to be considered in the light of rules and regulations. On the other hand, the decisions and opinions referred to express the attitude of this department in relation to the interpretation of the law and the rules and regulations, and they are published for the information of the officials of the department who may be charged with the execution of the law, and especially to acquaint manufacturers, jobbers, and dealers with the attitude of this department in these matters. They are therefore issued more in an advisory than in a mandatory spirit. It is clear that if the manufacturers, jobbers, and dealers interpret the rules and regulations in the same manner as they are interpreted by this department, and follow that interpretation in their business transactions, no prosecution will lie against them. It needs no argument to show that the Secretary of Agriculture must himself come to a decision in every case before a prosecution can be initiated, since it is on his report that the district attorney is to begin a prosecution for the enforcement of the provisions of the act.

In so far as possible it is advisable that the opinions of this department respecting the questions which arise be published. It may often occur that the opinion of this department is not that of

the manufacturer, jobber, or dealer. In this case there is no obligation resting upon the manufacturer, jobber, or dealer to follow the line of procedure marked out or indicated by the opinion of this department. Each one is entitled to his own opinion and interpretation, and to assume the responsibility of acting in harmony therewith.

It may be proper to add that in reaching opinions and decisions on these cases the department keeps constantly in view the two great purposes of the insecticide act of 1910, namely, to prevent misbranding and to prohibit adulteration. From the tenor of the correspondence received at this department and from the oral hearings which have been held, it is evident that an overwhelming majority of the manufacturers, jobbers, and dealers of this country are determined to do their utmost to conform to the provisions of the act, to support it in every particular, and to accede to the opinions of this department respecting its construction. It is hoped, therefore, that the publication of the opinions and decisions of the department will lead to the avoidance of litigation which might arise due to decisions which may be reached by this department indicating violations of the act, violations which would not have occurred had the opinions and decisions of the department been brought to the attention of the offender.

M. DORSET,
M. B. WAITE,
A. L. QUAINANCE,
J. K. HAYWOOD,

Insecticide and Fungicide Board.

Approved.

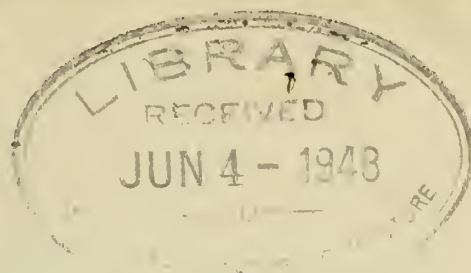
W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., August 29, 1911.



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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

INSECTICIDE DECISION NO. 3.

APPROVAL OF LABELS.

Numerous requests are received by this department for the approval of labels in connection with insecticides, Paris greens, lead arsenates, and fungicides under the insecticide act of 1910. This act does not authorize the Secretary of Agriculture nor any agent of the department to approve labels. The department therefore will not give its approval to any label. Any printed matter upon the label implying that this department has approved it will be without warrant. It is believed that with the law and the regulations before him the manufacturer will have no difficulty in arranging his label in harmony with the requirements set forth. If there be questions on which there is doubt respecting the general character of labels, decisions under the insecticide act of 1910 will be rendered, of a public character and published from time to time, covering such points.

M. DORSET,
M. B. WAITE,
A. L. QUAINANCE,
J. K. HAYWOOD,

Insecticide and Fungicide Board.

Approved:

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., August 29, 1911.

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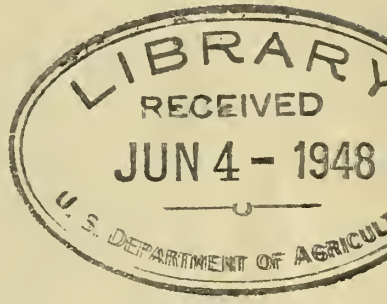
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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

INSECTICIDE DECISION NO. 4.



FILING GUARANTY.

In order that both the department and the manufacturers may be protected against fraud, it is necessary that all guaranties of a general character filed with the Secretary of Agriculture in harmony with regulation 20, rules and regulations for carrying out the provisions of the insecticide act of 1910, should be acknowledged before a notary or other official authorized to affix a seal. Attention is called to the fact that when a general guaranty has been thus filed every package of insecticides, Paris greens, lead arsenates, and fungicides put up under the guaranty should bear a legend, as follows:

"Guaranteed by _____ under the insecticide act of 1910. Serial No. _____"
(Name of guarantor.)

No other word should be added to the legend or accompany it in any way. Particular attention is called to the fact that nothing should be placed upon the label, or in any printed matter accompanying it, indicating that the guaranty is made by the Department of Agriculture. The appearance of the above guaranty legend upon a label does not exempt it from inspection, nor its guarantor from prosecution in case the article in question be found in any way to violate the insecticide act of 1910.

M. DORSET,
M. B. WAITE,
A. L. QUAINANCE,
J. K. HAYWOOD,
Insecticide and Fungicide Board.

Approved:
W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., August 29, 1911.
9451°—No. 4—11



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

INSECTICIDE DECISION No. 5.

COMBINED ARSENIOUS OXID IN PARIS GREEN.

A number of manufacturers of Paris green state upon their labels that their Paris greens contain specific amounts of "Combined arsenious oxid" or of "Arsenious oxid combined with copper." From the analysis of a number of samples it appears that the manufacturers either consider the total arsenious oxid present in their Paris greens as being all combined, or else do not use the method of determining combined arsenious oxid used by this department.

The figure obtained by the sodium-acetate-soluble arsenious oxid method, as described on page 27, Bulletin 107 (Revised), Bureau of Chemistry, is a measure of the arsenious oxid existing as such in Paris green. To determine "Arsenious oxid combined with copper" or, in other words, "Combined arsenious oxid," the figure for sodium-acetate-soluble arsenious oxid should be subtracted from the figure for the total arsenious oxid present in the green.

Section 8 of the law contains the following provisions:

First. That the term "misbranded" as used herein shall apply to all insecticides, Paris greens, lead arsenates, or fungicides, or articles which enter into the composition of insecticides or fungicides, the package or label of which shall bear any statement, design, or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular * * *.

Second. That for the purpose of this act an article shall be deemed to be misbranded—

In the case of insecticides, Paris greens, lead arsenates, and fungicides: * * * if it be labeled or branded so as to deceive or mislead the purchaser * * *.

Therefore, when the amount of combined arsenious oxid is stated on Paris-green labels the department will consider the product misbranded unless it contains as much combined arsenious oxid as claimed, such combined arsenious oxid being determined by the method outlined above.

M. DORSET,
M. B. WAITE,
A. L. QUAINANCE,
J. K. HAYWOOD,

Approved:

JAMES WILSON,

Secretary of Agriculture.

Insecticide and Fungicide Board.

WASHINGTON, D. C., January 23, 1912.

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

INSECTICIDE DECISION NO. 6.

INERT AND ACTIVE INGREDIENTS OF BORDEAUX MIXTURE.

Section 8 of the insecticide act of 1910 reads in part:

That for the purpose of this act an article shall be deemed to be misbranded: In the case of insecticides (other than Paris greens and lead arsenates) and fungicides * * *; third, if it consists partially or completely of an inert substance or substances which do not prevent, destroy, repel, or mitigate insects or fungi and does not have the names and percentage amounts of each and every one of such inert ingredients plainly and correctly stated on the label: *Provided, however,* That in lieu of naming and stating the percentage amount of each and every inert ingredient the producer may at his discretion state plainly upon the label the correct names and percentage amounts of each and every ingredient of the insecticide or fungicide having insecticidal or fungicidal properties, and make no mention of the inert ingredients, except in so far as to state the total percentage of inert ingredients present.

Some uncertainty appears to exist in the minds of manufacturers and shippers of Bordeaux mixture paste and dry Bordeaux mixture concerning the method which should be employed in stating the inert ingredients, or both the active and inert ingredients in these products as required by the law. The department, therefore, considers it desirable to state its position on this subject for the information of the trade.

It is a well-established fact that the fungicidal properties of Bordeaux mixture are dependent upon the copper present in this mixture. The other substances, such as lime and water, are necessary but not active ingredients, and these, with magnesia and various other inorganic compounds which may be present, are inert, since they do not of themselves possess fungicidal properties. It seems clear, therefore, that within the meaning of the insecticide act of 1910 the metal, copper, is the active ingredient and the other substances present are to be regarded as inert.

The department is not empowered by the insecticide act of 1910 to approve labels, but in a purely advisory capacity, and in the interest

of uniformity, the following form of label for Bordeaux mixture paste or dry Bordeaux mixture is suggested:

BORDEAUX MIXTURE PASTE

or

DRY BORDEAUX MIXTURE.

Active ingredient:

Copper-----per cent.

Inert ingredients:

-----per cent.

It is to be understood that manufacturers have the privilege, if they so desire, of giving the names and percentage amounts of each and every inert ingredient, making no mention of the active ingredient, copper.

M. DORSET,

M. B. WAITE,

A. L. QUAINANCE,

J. K. HAYWOOD,

Insecticide and Fungicide Board.

Approved:

JAMES WILSON,

Secretary of Agriculture.

WASHINGTON, D. C., *January 30, 1912.*

[No. 6]

